1 2 3 4 5 6 7	EDMUND G. BROWN JR. Attorney General of California GLORIA A. BARRIOS Supervising Deputy Attorney General KIMBERLEE D. KING Deputy Attorney General State Bar No. 141813 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Teiephone: (213) 897-2881 Facsimile: (213) 897-2804  Attorneys for Complainant					
8	BEFORE THE					
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS					
10	STATE OF CALIFORNIA					
11	In the Matter of the Accusation Against:	Case No. 2010-270				
12	JOSE BERLANGA 9814 Paradiso Way	ACCUSATION				
13	Bakersfield, CA 93306					
14	Registered Nurse License No. 367139					
15	Respondent.					
16		J				
17	Complainant alleges:					
18	PARTIES					
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her					
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department					
21	of Consumer Affairs.					
22	2. On or about January 1, 1983, the Board of Registered Nursing (Board) issued					
23	Registered Nurse License No. 367139 to Jose Berlanga (Respondent). The Registered Nurse					
24	License was in full force and effect at all times relevant to the charges brought herein and will					
25	expire on September 30, 2011, unless renewed.					
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1)		Accusation				

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 This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

### STATUTORY PROVISIONS

- 4 Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
  - 5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."
- 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

#### COST RECOVERY

7. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

# CAUSE FOR DISCIPLINE

# (Discipline of Nevada Registered Nurse License)

8. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), in that Respondent's Nevada Registered Nurse License has been disciplined by the Nevada State Board of Nursing (Nevada Board). Effective September 18, 2008, the Nevada Board revoked Respondent's Registered Nurse License to practice nursing in that state. However, the revocation was stayed and Respondent's license was placed on probation (Restricted Licensure) for a minimum of three (3) years with certain terms and conditions. The basis for discipline was that while employed and working as a registered nurse and clinical manger of the operation room, at the University Medical Center, in Las Vegas, Nevada, Respondent demonstrated gross negligence or recklessness in carrying out usual nursing functions and failed to perform nursing functions in a manner consistent with established or customary standards of one patient, which was found to be unprofessional conduct, under Nevada law. The underlying conduct of Respondent which resulted in discipline of his license (as described in the Agreement for Probation and Decision and Order, Case No. 0336-08C, which is attached hereto as Exhibit "A" and incorporated herein by reference as though fully set forth, in the subject disciplinary matter by the Nevada Board) is also basis for discipline in this state.

## **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- 1. Revoking or suspending Registered Nurse License No. 367139, issued to Respondent.
- 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3.

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1	3.	3. Taking such other and further action as deemed necessary and proper.				
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3	DATED: ]	11/18/09	_ Louise R.			
4			LOUISE R. BAILEY Interim Executive Of	licer C		
5			Board of Registered N Department of Consu	vursing mer Affairs		
6			State of California Complainant			
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